

P 281355Z DEC 07
FM AMEMBASSY NAIROBI
TO SECSTATE WASHDC PRIORITY 4018
INFO IGAD COLLECTIVE
AMEMBASSY ADDIS ABABA
AMEMBASSY DAR ES SALAAM
AMEMBASSY DJIBOUTI
AMEMBASSY KAMPALA
AMEMBASSY KHARTOUM
AMEMBASSY LONDON
AMEMBASSY PARIS
CJTF HOA
NSC WASHDC
USCINCSOC MACDILL AFB FL

UNCLAS NAIROBI 004832

SIPDIS

SENSITIVE

FOR S, D, P, G, R, AND AF A/S FRAZER FROM THE AMBASSADOR

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [KE](#)

SUBJECT: KENYA'S ELECTIONS - A POSITIVE PROCESS THUS FAR

REF: NAIROBI 4830 AND PREVIOUS

11. (SBU) Summary. The relatively smooth and peaceful way in which the elections were carried out on December 27 represents a victory first and foremost for the Kenyan people and their democracy. Herculean efforts by the Electoral Commission of Kenya (ECK), the responsible statements made by the leaders of the main parties, the constructive role played by the media, and strong U.S. support and observation all contributed to this positive outcome. All observers share a relatively positive view of how the election process was carried out. I have made an informal positive statement to the Kenyan media. It is, however, too early to make final pronouncements. Septel will provide text of a proposed draft statement that can be issued by Washington on December 29. The vote counting process will not be completed until the 29th. The potential for last minute fraud cannot be ruled out. The electoral process in some areas was characterized by delays and problems with voting procedures and electoral registers, but these were largely resolved in a way that did not disenfranchise voters, who turned out in record numbers. Initial informal results show opposition candidate Raila Odinga leading President Kibaki by between 3 and 8 points, but this reporting is uneven and not systematic. The election is still, in our view, too early to call. End summary.

Election Process Initially Positive, But Not Yet Complete

12. (SBU) Although the results of the Kenyan elections held December 27 are just trickling in, initial indications are that this election constitutes first and foremost a victory for the Kenyan people and their democracy. It is useful, as we make judgments, to think of the electoral process as comprised of four phases: the campaign; the election itself; the tabulation and announcement of results; and, finally, acceptance of the results, including the carrying out of a smooth transition regardless of who wins.

13. (SBU) Months of intense preparations by the ECK and strong support from the international community, particularly the U.S., paid off in helping ensure a relatively smooth process on election day. This message reflects initial input from the almost 200 U.S. Mission observers deployed throughout the country, from the International Republican Institute delegation funded by the U.S., from the EU observation mission, from the massive Kenyan domestic observation effort, from party sources, from media, and from the ECK.

----- Resolving Problems -----

¶4. (SBU) The main difficulties experienced were delays in starting voting due to confusion with respect to electoral registers and alphabetical voting procedures, but these were addressed and there are no reports that this resulted in significant disenfranchisement of voters. There were a few small and isolated cases of violence on election day and a few cases of alleged fraud. None of these difficulties appeared due to any nationally organized efforts meant to disrupt the elections. The most striking impressions from all observers about election day are the peacefulness and orderliness of the process. Even the most problematic and contentious constituencies completed voting in an acceptable fashion.

¶5. (SBU) For example, I observed the opening of the polls in Kibera slum, which is a key part of Langata constituency, where presidential candidate Raila Odinga was a candidate for Parliament. This race was ground zero in the election process given widespread fears that extra-legal efforts would be made to defeat Odinga there, thus making him ineligible to become President (since whoever is elected President must also be an elected member of Parliament). At 0600 there were already over 5,000 people lined up to vote at the largest polling station in Langata, which is Olympic School in the

Kibera slum. The bigger problem was confusion over voting procedures. People had been lining up since just after midnight. They were supposed to be guided by ECK officials to a line with their specific section of the alphabet (A-C, for example). Since there were 5,000 people already in line by the time the ECK officials arrived, this did not happen. Each of the 31 polling stations in Olympic had only their alphabetic section of the election register. Hours went by as ECK officials sought to resolve the problem. The ECK official in charge of voting there showed commendable initiative in this regard. (She had little choice, telling me: "If we don't get voting started soon, these people are perfectly capable of burning this place to the ground.")

¶6. (SBU) Comprehensive electoral registers were eventually produced and voting began at 0900. By that point frustration among the 10,000 people waiting to vote was enormous. remarkably, however, there was no violence (the only potential danger was being inadvertently crushed by the crowds, forcing our team to exit via a window at one point). Calls from us to ECK were instrumental in getting senior ECK officials to act quickly to resolve the issues, and I was able to make some reassuring statements to the media. ECK Chairman Kivuitu went to Kibera himself to calm people. In another remarkable testament to the professionalism of ECK officials, all those waiting to vote were eventually processed, and by late evening Kibera was quiet (a truck standing by with riot police was not needed). The problems seen in Kibera were mirrored in some other parts of the county. My observations at six other polling locations in Langata constituency, Nairobi, and Kibaki's stronghold of Central Province, and those of our observers, indicated that most polling stations were relatively well-organized with professional ECK teams.

¶7. (SBU) One embarrassing stumble by the ECK actually became one of the day's best examples of Kenya's maturing commitment to a responsible democratic process. The ECK inexplicably failed to include Raila Odinga's name in the voting register of his own polling station in his Langata constituency, resulting in a potential crisis when Odinga was turned away. Instead of inflaming the Kibera slum, Odinga simply drove to the ECK headquarters and officially protested the omission. The ECK made no excuses and acted immediately to amend the register to include Odinga's name. There were a few quick press conferences and the situation ended peacefully with Odinga casting his vote.

18. (SBU) That the voting process was so relatively smooth and peaceful despite delays and organizational problems testifies to the commitment of the Kenyan people to democratic values. The leadership of the President and the opposition candidates in calling for peaceful elections and respect for the results was also crucial to this positive outcome.

Historic Turnout

19. (SBU) The other remarkable aspect of the elections was the unprecedented high turnout (which will average somewhere between 65 and 80 percent). Not surprisingly, Kibaki's team produced a record turnout of around 85 percent in his home area of Central Province, and Odinga produced a high turnout in his home area of Nyanza Province. Many people waited in line for six hours or more. Some of the turnout was clearly the result of increased participation by youth. It appears that Odinga will profit from youths' perception that he represents a younger generation (though he is 63 to Kibaki's 76, and both are from the same political class) and that he will be more decisive against corruption.

Observer Statement

10. (SBU) The electoral process thus far deserves a strong statement of support, and clearly meets a high standard for credible, transparent, free and fair elections. I made an informal statement last night that was carried extensively on Kenyan television. It is, however, too early to make definitive pronouncements. The ECK will likely not announce final results until December 29. The EU and Kenyan domestic observation missions will make statements on the 29th. By OOB Washington time on the 29th we will send a proposed draft for a statement by Washington. IRI will make a largely positive statement the afternoon of the 28th.

Vote Counting Process

11. (SBU) The ballot counting process is carried out in three stages, each fraught with the potential for fraud. First, the ballots are counted at each polling station in front of party agents. Party agents were given copies of the results and they were also posted publicly at each station. My observations and those of our observers indicate that this counting process was generally transparent and efficient. Second, the ballots were taken to central tally stations in each of the 210 constituencies. Observations indicate that this process has also been carried out well. Finally, the ballots and results of the tally stations are, where possible, being called or sent by e-mail to the ECK and then physically carried to ECK headquarters. This process, which will be carried out during the course of today and this evening, is where the potential for trouble is currently greatest. Ballots can be lost, burned, or otherwise destroyed. Even though results will have been posted at polling stations, any interference with the final phase of the count would raise serious issues that the ECK would have to address (especially if the ballots delivered to the ECK in any way differed from results tabulated at polling stations). During this period tensions will rise as inevitable rumors circulate (given the history of extensive fraud in all previous elections except the one in 2002). We have received, for example, unconfirmed reports that the police had to fire into the air at several tally centers to disperse unruly crowds worried that ballots were being tampered with. Commissioner of Police Ali gave a press conference this morning and said all the right things to assure people of his commitment to ensure protection for ballots and to highlight the non-political role of the police.

Media and Initial Results

¶12. (SBU) As a result of its generally responsible, extensive, and timely reporting, the media also deserves credit for how well the process has proceeded thus far. Since before polls closed the media has been reporting on a 24-hour basis. They are reporting vote totals based on the results posted at polling stations, but making clear that only the ECK can announce official results. The results that the media are reporting reflect uneven inputs from around the country, but so far show Odinga leading Kibaki by about almost 10 points. Two exit polls (with uncertain methodology) also show Odinga winning by 3-8 points. The race is, in our view, still too early to call. It appears, as expected, that these elections will result in a sea change in Parliament, with up to 70 percent of incumbents replaced. This may in part be due to a wave of ODM support, but is even more the result of dissatisfaction with the incumbents' perceived inattention to their constituencies and to the exorbitant pay raise that they awarded themselves. Initial reports indicate that some of the most corrupt incumbents have been defeated.

Advancing U.S. Interests

¶13. (SBU) We will keep the Department closely informed as results become clearer. At this point, there are sound reasons to believe that this election process will be a very positive example for the continent and for the developing world, that it will represent a watershed in the consolidation of Kenyan democracy, and that it will,

therefore, significantly advance U.S. interests. The Kenyan people will view the U.S. as having played an important and neutral role in encouraging a positive election process.

RANNEBERGER